

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Brian Adams,

Petitioner

v.

Jeremy Bean, et al.,

Respondents

Case No.: 2:23-cv-01930-JAD-BNW

**Order Denying IFP Application and
Directing Petitioner to Pay Filing Fee**

[ECF No. 1]

Pro se Petitioner Brian Adams filed an application to proceed *in forma pauperis* (“IFP”)¹ along with a 28 U.S.C. § 2254 petition for writ of habeas corpus² challenging his state conviction. His IFP application, however, demonstrates that he is ineligible for IFP status.

A \$5.00 filing fee is required to initiate a habeas action in a federal district court.³ The court may authorize a person to begin an action without prepaying fees and costs if he can demonstrate indigency.⁴ The IFP application must be submitted on the form provided by the court and include specific financial information and a declaration confirming under the penalty of perjury that the financial information is true.⁵

Although Adams submitted the required form, the supporting documents show he can pay the \$5.00 filing fee, so he does not qualify for a fee waiver. I therefore deny his IFP application and give him until **January 19, 2024**, to pay the \$5 filing fee.

¹ ECF No. 1.

² ECF No. 1-1. The initial screening of the petition under the Rules Governing Section 2254 Cases and consideration of his motion for appointment of counsel (ECF No. 3) are deferred until he has fully complied with this order.

³ 28 U.S.C. § 1914(a); Judicial Conference Schedule of Fees.

⁴ 28 U.S.C. § 1915; LSR 1-1, 1-2.

⁵ *Id.*

1 **IT IS THEREFORE ORDERED** that:


2 1. Petitioner's Application to Proceed *in forma pauperis* [ECF No. 1] is **DENIED**.

3 2. **Petitioner must pay the \$5.00 filing fee by January 19, 2024.**

4 3. The Clerk of Court is instructed to **SEND petitioner *two* copies of this order.**

5 Petitioner must make the necessary arrangements to have a copy of this order
6 attached to the check for the filing fee.

7 4. **If petitioner fails to comply with this order by January 19, 2024, this case will be**
8 **dismissed without prejudice and without further advance notice.**

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12 U.S. District Judge Jennifer A. Dorsey
13 December 4, 2023
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